



The Office of Vince Ryan  
County Attorney

February 14, 2013

VIA EMAIL

To: Attached Service List

Re: Cause No. 2011-76724; *Harris County, Texas, et al. v. International Paper, Inc., et al.*;  
In the 295<sup>th</sup> Judicial District of Harris County, Texas.

Dear Counsel for Defendants:

We are in receipt of your January 29 letter related to Judge Baker's request for suggestions of additional public awareness activities that can be taken now to educate the public about the threat to public health identified in connection with the San Jacinto Waste Pits. As you know, the issue of additional public awareness is not one that was initiated by the County, but was in fact requested by Judge Baker. Harris County disagrees with the content of your letter and is disappointed to receive such a letter from Defendants questioning the County's motives in connection with the Court's ideas about the need for increased public awareness. That is unfortunate and very obviously not what the Judge had in mind when she requested suggestions of what additional public awareness activities could be undertaken now – without having to wait for a verdict in the litigation. The focus of these additional efforts is on public safety, as it should be.

Regardless of whether the Defendants agree or refuse to take additional public awareness efforts as raised by the Court, the County will continue to inform the people about the threat to public health associated with ingesting contaminated seafood from the San Jacinto Waste Pits Area. The County applauds the Judge's proactive ideas on this important issue of public health and safety, and continues to welcome the Court's assistance in any way.

To be clear, here is what Harris County has done. Harris County has complied with the Court's request on December 17, 2011 that the parties make suggestions on what can be done to increase community awareness of the public health threat from dioxin associated with the San Jacinto Waste Pits. During that hearing and as documented on the transcript (pertinent page attached), counsel stated on behalf of all Defendants that Defendants would agree to meet with Harris County and that they would "do whatever they [Harris County] requested on a reasonable basis, for sure."<sup>1</sup>

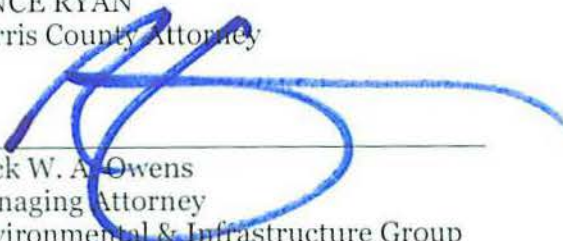
<sup>1</sup> Page 19 of the December 17, 2012 transcript, counsel stated: "We would be willing, our clients would be willing, and I think I speak for all the defendants, to meet with Harris County and ask them what else they want us to do; ...we would certainly sit down and have that meeting and do whatever they required on a reasonable basis, for sure." All defendants were represented at that hearing by their lead counsel and no one disagreed with counsel's commitment on behalf of all of the defendants to carry out the County's reasonable requests.

In reliance on that statement which is enforceable under Rule 11 of the Texas Rules of Civil procedure because it was made on the record and in open court, the County coordinated with State agencies and delivered the governments' list of requests to Defendants during the Court's January 3, 2013 status conference. In response to concerns raised by Defendants, Harris County also provided the list to EPA and the Community Action Committee to ensure there was no objection to Defendants' carrying out those items and there was none. Harris County then scheduled a meeting with representatives of Defendants on January 9, 2013 to do precisely what Defendants' counsel stated on the record – "to meet with Harris County and ask them what else they want us to do." As evidenced by that statement, Defendants understood that the January 9 meeting was to talk about what else the County wanted Defendants to do. As all parties understood would happen, at the January 9 meeting, the County asked the Defendants to identify what they were willing to do. After that meeting, when more than two weeks passed with still no answer from Defendants, the County sent another letter on January 25, 2013 again asking Defendants to answer the question regarding what public awareness actions Defendants would agree to implement. Although Harris County received a 6-page letter from International Paper's counsel complaining about a wide variety of matters in response, Harris County still does not have a yes or no answer to the question of what items on the lists provided that Defendants are willing to undertake. Defendants have also failed to identify a time in which they will be able to identify what further actions that they will be willing to undertake to inform the community about the health hazards that they caused.

If Defendants intend to undertake any of the requested items, please let us know which ones you will implement. If not, we will leave the issue up to the Court to address during our next hearing.

Very truly yours,

VINCE RYAN  
Harris County Attorney



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Attachment

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REPORTER'S RECORD  
VOLUME 1 OF 1 VOLUME  
TRIAL COURT CAUSE NO. 2011-76724

HARRIS COUNTY, TEXAS,	*	IN THE DISTRICT COURT OF
Plaintiff	*	
	*	
THE STATE OF TEXAS,	*	
Acting by and through the	*	
TEXAS COMMISSION ON	*	
ENVIRONMENTAL QUALITY, A	*	
Necessary and Indispensable	*	
Party	*	
	*	
VS.	*	HARRIS COUNTY, T E X A S
	*	
INTERNATIONAL PAPER COMPANY;	*	
MCGINNES INDUSTRIAL	*	
MAINTENANCE CORP.; WASTE	*	
MANAGEMENT, INC.; AND WASTE	*	
MANAGEMENT OF TEXAS, INC.,	*	
Defendants	*	295TH JUDICIAL DISTRICT

REPORTER'S RECORD  
STATUS CONFERENCE  
DECEMBER 17, 2012

On the 17th day of December, 2012, a Hearing on Status Conference came on to be heard in the above-entitled and -numbered cause; and the following proceedings were had before the Honorable Caroline Baker, Judge Presiding, held in Houston, Harris County, Texas:

Proceedings reported by computerized stenotype machine; Reporter's Record produced by computer-assisted transcription.

1           MR. BALLARD: Well, Your Honor, as you heard  
2 last time, we're already doing many things, pretty much  
3 everything we can think about doing, including community  
4 outreach with the pamphlets and the first fish  
5 advisories, the notices on the docks, and then  
6 specifically the fencing around the property, the buoys,  
7 the notices, the signs in three different languages.

8           We would be willing, our clients would be  
9 willing, and I think I speak for all the defendants, to  
10 meet with Harris County and ask them what else they want  
11 us to do; and we will consider doing that as well. We  
12 haven't gotten a request to do anything more. I think  
13 we're doing everything we can think of; but we would  
14 certainly sit down and have that meeting and do whatever  
15 they requested on a reasonable basis, for sure.

16           THE COURT: Mr. Wotring?

17           Thank you, Mr. Ballard.

18           MR. WOTRING: I think -- since the last  
19 hearing that was on the 20th, I think we all turned our  
20 attention to the oral arguments, which were on the 27th.  
21 I know on our end I got involved. So that took away  
22 some of the focus on the immediacy of meeting and  
23 talking about those things.

24           Without getting into who has done what,  
25 because I don't think that would be productive --